

### REMARKS

Claims 76, 90, 130-150 and 152-160 have been cancelled without prejudice. Applicants reserve the right to pursue claims similar or identical to these claims in one or more applications claiming priority to the instant application.

All of the remaining claims have amended to recite "bipolar device." Support for this term can be found throughout the specification, for example, at the third paragraph of the Detailed Description. Thus, no new matter has been added.

Independent claim 65 has been amended to recite that the opposing electrode has a base and a second surface that is reticulated, where the first and second reticulating surfaces are interpenetrating. Support for this amendment can be found throughout the specification, for example, on page 11, lines 27-29. Additionally, claims 129 and 151 have been rewritten to depend from claim 65, and claims 77, 78, and 92-95 have been amended to provide proper antecedent basis.

New claim 163 has been added, reciting that the first reticulated surface comprises protrusions have a length  $l$  and a cross-sectional thickness  $a$  such that  $l/a$  is greater than 2. Support for this amendment can be found in the specification, for instance, on page 14, lines 22-24. Thus, no new matter has been added.

New claim 164 has been added, reciting that the thickness and the width of each protrusion are each  $a$ . Support for this amendment can be found throughout the specification, for example, on page 9, lines 14-15. Accordingly, no new matter has been added.

Claims 65-73, 77-88, 91-98, 129, 151, and 161-164 are now pending for examination.

### Rejection of the Drawings

The drawings have been objected to under 37 C.F.R. §1.83(a). The Patent Office states that "the drawings must show every feature of the invention specified in the claims."

Applicants believe that the drawings, for example, Fig. 3A, illustrate an opposing electrode having a smooth, non-retriculating surface opposing a first electrode. Thus, no amendments to the drawings are believed to be necessary. In addition, Applicants believe what is required relevant to the drawings is that, under 35 U.S.C. §113, those of ordinary skill in the art understand the subject matter sought to be patented. It is believed that this requirement is met

by the existing specification and drawings of this application. Accordingly, it is respectfully requested that the objection to the drawings be withdrawn.

Rejections of Claims 65-73, 76-88, 90-98, and 129-162 under 35 U.S.C. §112, ¶1

Claims 65-73, 76-88, 90-98, and 129-162 have been rejected under 35 U.S.C. §112, ¶1, as being non-enabling for "an article."

All pending claims now recite "bipolar device." Support for this term can be found in the specification, for example at the third paragraph of the Detailed Description. Accordingly, it is respectfully requested that the rejection of these claims be withdrawn.

Rejections of Claims 129-139 and 151-162 under 35 U.S.C. §103(a)

Claims 129-139 and 151-162 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Patel, *et al.*, U.S. Patent No. 6,342,317 ("Patel") or Chen, U.S. Patent No. 5,677,080 ("Chen"), each in view of Linden, "Handbook of Batteries," Second Edition, McGraw-Hill, 1995, p. 2.19 ("Linden").

These claims have either been canceled or rewritten to depend from independent claim 65, which was not rejected on these grounds. It is believed that none of the prior art relied upon, alone or in combination, shows a first electrode having a base and a first surface for positioning proximate to an opposing electrode having a base and a second surface that is reticulated, where the first surface is reticulated so as to define a plurality of protrusions and intervening indentations providing a surface area at least 1.5 times the theoretical surface area of a smooth non-reticulating surface, where the protrusions have a length  $l$  and a cross-sectional thickness  $a$  such that  $l/a$  is greater than 2, where the cross-sectional thickness  $a$  varies along the length  $l$  of the protrusion such that the cross-sectional thickness, when averaged along the length of the protrusion, is less than about 100 microns, and where the first and second reticulating surfaces are interpenetrating. Thus the rejection of claims 129-139 and 151-162 is believed to have been overcome, and withdrawal of the rejection is respectfully requested.

**CONCLUSION**

In view of the foregoing amendments, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

By:



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